

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

IN THE MATTER OF
THE REAPPOINTMENT OF
THOMAS D. THALKEN AS A
UNITED STATES MAGISTRATE
JUDGE

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STANDING ORDER
NO. 2008-13

During the year preceding the expiration of his term, Magistrate Judge Thomas D. Thalken expressed his willingness to be reappointed as a United States Magistrate Judge. In response, the active district judges of this court unanimously voted to consider Magistrate Judge Thalken's reappointment pursuant to the Regulations of the Judicial Conference of the United States Establishing Standards and Procedures for the Appointment and Reappointment of United States Magistrate Judges.

On May 9, 2008, the court unanimously appointed Raneta Lawson Mack, Professor, Creighton University School of Law, as chairperson of the reappointment committee. Professor Mack resides in Omaha, Nebraska. The judges also unanimously appointed the following additional committee members: Meredith Bacon, Ph.D., a professor at the University of Nebraska, Omaha, Nebraska; Paul D. Boeshart, an Assistant U.S. Attorney, Lincoln, Nebraska; Alan G. Stoler, a practicing attorney, Omaha, Nebraska; John C. Vanderslice, Assistant Federal Public Defender, Lincoln, Nebraska; Sherman P. Willis, a practicing attorney, Omaha, Nebraska; and Judi M. gaiashkibos, Director of the Nebraska Commission on Indian Affairs, Lincoln, Nebraska.

The court gave public notice as required by the regulations in newspapers having a wide circulation, especially newspapers that are published in the cities in which the court maintains a courthouse: the Daily Record on May 3, 2008; the Daily Reporter on May 5,

2008; and the North Platte Telegraph on May 3, 2008. The court also gave public notice by placing the notice on the court's Internet site starting April 29, 2008, through May 2008, and on the Nebraska State Bar Association's Internet site starting on April 29, 2008, and extending through May 2008. The court also sent electronic notice to all lawyers registered with the court's electronic case filing system (CM/ECF). Finally, the court gave notice by posting a copy of the notice on the Clerk of Court's public bulletin boards in Omaha and Lincoln, Nebraska.

In response to the notice, the court received numerous comments which were forwarded to the committee. The committee held an initial conference on June 19, 2008. On July 21, 2008, the committee met with Magistrate Judge Thalken. On July 29, 2008, the committee submitted a detailed written report to the court with its recommendation.

The committee unanimously recommended the reappointment of Magistrate Judge Thalken. Among other things, the committee commented that Magistrate Judge Thalken "has consistently performed his duties with honor and integrity," "has endeavored to treat attorneys and litigants with the utmost respect," and "has displayed a thoughtful, fair, impartial and common sense approach with hearing cases and rendering decisions." The committee stated that Magistrate Judge Thalken's "fairness and impartiality provide considerable insight into his commitment to equal justice under the law."

The active district judges considered the report and recommendation of the committee on September 12, 2008. After careful consideration, the active district judges unanimously voted to reappoint Magistrate Judge Thomas D. Thalken to another eight-year term in office. Accordingly,

IT IS ORDERED that:

(1) The court confirms the active district judges' appointment of a committee to consider the reappointment of Magistrate Thomas D. Thalken to an eight-year term pursuant to the Regulations of the Judicial Conference of the United States Establishing Standards and Procedures for the Appointment and Reappointment of United States Magistrate Judges.

(2) The court confirms that the public received notice as required by law.

(3) The court confirms that it received the report of the committee.

(4) The court confirms that by unanimous vote of the active district judges, Magistrate Judge Thomas D. Thalken is reappointed as United States Magistrate Judge for the District of Nebraska, effective January 4, 2009, for a period of eight years.

(5) The human resources manager shall provide a copy of this memorandum and order to the Administrative Office of the United States Courts, Magistrate Judges Division, together with the duly executed original AO Form 79A.

DATED this 15th day of October, 2008.

BY THE COURT:

s/ Joseph F. Bataillon
Joseph F. Bataillon
Chief Judge